

**AUCTIONEER BOARD
MADISON, WISCONSIN
June 28, 1999**

PRESENT: Richard Lust, Marie Skic-Loy, Marie Kohlbeck, Robert Massart, Mark Shain, Ronald Bast (by telephone until 11:49 a.m.)

EXCUSED: Robert Brandau

STAFF PRESENT: Cletus Hansen and Jan Neitzel; members of the Division of Enforcement were present for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:12 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Mark Shain moved, seconded by Robert Massart, to adopt the agenda as published. Motion carried unanimously.

MINUTES (April 26, 1999)

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

- Handling of Unlicensed Complaints

The Board received a copy of the May 27, 1999, memo from Jack Temby relating to enforcement of laws requiring a credential.

The Board discussed unlicensed people participating in the auctioneer profession.

Cletus J. Hansen

- Roster

The Board received the June 1999, auctioneer roster.

Clete Hansen discussed the importance of keeping the Department of Regulation and Licensing apprised of name, address, and telephone number changes.

LEGISLATIVE UPDATE

Advertising and Licensing

The Board received copies of the 1999 Bills LRB-2282/1 and LRB-2632/1dn relating to advertising of auctions conducted by registered Wisconsin auctioneers and granting rule-making authority.

The Board was advised by Clete Hansen that the bills are “jacketed” and are in the Senate and Assembly.

Persons Under 18 Years Old

The Board discussed the 1999 Bill, LRB-0748/2, relating to exempting certain persons who are not at least 18 years of age from the auctioneer registration requirement.

The Board discussed whether a non-relative under age 18 years of age should be permitted to work at an auction without being registered. No change to the bill draft was recommended.

ADMINISTRATIVE RULES

Clete Hansen advised that the rules are waiting for final promulgation and that the August Regulatory Digest will contain changes.

The Board discussed the pros and cons of on-line auctions and bidding.

Richard Lust explained the difference between costs to list and costs to buy.

RECIPROCITY

The Board received a copy of the June 22, 1999, letter from Clete Hansen regarding the status of reciprocal agreements with other states.

The Board discussed the status of reciprocity between Wisconsin, Kentucky, Indiana, Florida, Texas, Arkansas, Pennsylvania, North Dakota, Tennessee, Rhode Island and South Carolina.

Richard Lust informed the Board that Indiana has not responded because the information was not submitted to their Board of Auctioneers. They will review the information they have received.

Clete Hansen will send letters to Ohio and Pennsylvania.

MONITORING OF CONTINUING EDUCATION REQUIREMENT

The Board discussed the June 14, and June 22, 1999, memos from Clete Hansen regarding monitoring of continuing education.

The Board received a copy of the May 17, 1999, letter from Clete Hansen that was sent to Wisconsin-Registered Auctioneers, regarding continuing education, and discussed the responses to this letter.

The Board received a copy of the June 2, 1999, letter from Clete Hansen to Heather Christensen regarding 15 auctioneers who completed 9 hours of continuing education.

The Board discussed out-of-state auctioneers and the requirement that they obtain Wisconsin's continuing education.

The Board discussed the language on the back of the renewal notices. The Board also discussed the following courses of action: revoke the license until the auctioneer 1) takes the test as a new licensee, 2) completes the continuing education requirements, 3) and pays a fine.

Credit will not be issued for non-approved, out-of-state continuing education.

The Board discussed the similarities between the PSI Exam and the Test-out exam.

MOTION: Robert Massert moved. Anyone who inadvertently took the wrong exam and passed it, be given credit for satisfying the continuing education requirement. Motion withdrawn due to lack of a second.

Clete Hansen identified three different groups: a) people in this group technically should have taken the pre license exam and either the continuing education courses or the test-out exam, b) people in this group accidentally took the pre-licensing exam instead of the test-out exam, c) people in this group did not complete any education, however, they indicated on their renewal they did complete the continuing education.

MOTION: Robert Massert moved, seconded by Marie Kohlbeck, to allow group "a" to take the test-out exam or continuing education within 90 days while continuing to be licensed. Motion carried unanimously.

Charles Howden explained the license suspension process.

MOTION: Marie Skic-Loy moved, seconded by Mark Shain, to assume that group "b" took the initial exam by mistake instead of the continuing education exam and passed, and therefore will be given credit for the continuing education. Motion carried unanimously.

The Board discussed group "c", the group that either took a non-approved continuing education course or provided no proof that continuing education had been taken. The Board established that a letter should be sent to all members of group "c." A response needs to be received within 30 days by the Department of Regulation and Licensing or they will be referred to the Division of Enforcement (DOE).

Charles Howden explained the procedure of referring a case to DOE.

MOTION: Robert Massert moved, seconded by Marie Skic-Loy, that a letter be sent immediately to all people in group "c" asking for 1 of 3 items: return of their license, proof that they have taken and completed the required approved courses as they indicated on their renewal, or they may have a hearing with the Board July 26, 1999. Motion carried unanimously.

Clete Hansen will write a letter to the group “c” licensees, regarding the steps to show proof of a Wisconsin approved continuing education course.

TEMPORARY REGISTRATION

Correspondence to Registrants

The Board received a copy of the June 22, 1999, auctioneer temporary permit list.

The Board discussed the May 18, 1999, letter from Clete Hansen that was sent to temporary auctioneers in Wisconsin, reminding them that a temporary registration expires in one year.

The Board discussed the fact that the auctioneer test is given on a daily basis by appointment and that temporary auctioneers need to obtain their permanent license earlier than one year.

The Board discussed the numbering sequence of registration numbers and noted there are missing numbers in the list of temporary registrations. Clete Hansen will advise the Board the reason for this at the July 26, 1999.

Interpretation of s. 480.08(7), Stats.

The Board received a copy of the s. 480.08(7)(a)(b) Stats.

The Board will discuss s. 480.08(7), Stats. at the next meeting.

UNEMPLOYMENT COMPENSATION

The Board received a copy of the May 14, 1999, letter from Clete Hansen to Greg Frigo, Bureau of Legal Affairs, Department of Workforce Development, relating to unemployment compensation for auctioneers.

The Board received a copy of the June 10, 1999, letter from Gregory Frigo, in response to Clete Hansen’s May 14, 1999, letter relating to unemployment compensation.

Richard Lust advised the Board that he informed the Wisconsin Auctioneers Association that the Auctioneer Board cannot proceed any further on the issue of unemployment compensation and that the association should consider working on this matter.

PRACTICE ISSUES

Recognition of Bids

No discussion.

Over-Charging for Ads

No discussion.

Auction Contracts

The Board discussed the June 11, 1999, letter from Susan D. Schrager, Schrager Auction Galleries, Ltd., and asked that Don Rittel write a response to Ms. Schrager.

Miscellaneous information/correspondence

News Articles

The Board received a copy of the article in an Ohio publication, entitled “Absolute and Minimum Bid Auction Defined”.

The Board received a copy of the May 10, 1999, Midwest Express Airlines Online article entitled “Frustrated seller wants auctioneer in jail”.

Disciplinary Hearing Notice

The Board received a copy of the hearing notice for Paul S. George, Brooklyn, WI. Noted.

NEW BUSINESS

The Board discussed the upcoming Board Member Workshop on July 15 and 16, 1999.

The Board discussed the procedures, relating to rulemaking when proposed rules are reviewed by legislative committees.

RECESS TO CLOSED SESSION

MOTION: Robert Massart moved, seconded by Marie Kohlbeck, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Marie Kohlbeck-yes; Marie Skic-Loy-yes; Ronald Bast-yes; Mark Shain-yes; Robert Massart-yes; Richard Lust-yes;

Open Session recessed at 11:25 a.m.

The Board received a copy of the June 22, 1999, case status report.

The Board deliberated on case closings and an affidavit of costs.

ADJOURN CLOSED SESSION

MOTION: Marie Skic-Loy moved, seconded by Robert Massart to adjourn the Closed Session and reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 11:58 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to close case 95 AUC 026, Martin I. Davis, presented by the Division of Enforcement. Motion carried unanimously.

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to close case 98 AUC 017, Kevin E. Bigelow, presented by the Division of Enforcement. Motion carried unanimously.

MOTION: Mark Shain moved, seconded by Marie Skic-Loy, to close case 99 AUC 005, George Sigsworth, presented by the Division of Enforcement. Motion carried unanimously.

MOTION: Marie Skic-Loy moved, seconded by Mark Shane, to close case 96 AUC 092, Earl A. Otto, presented by the Division of Enforcement. Motion carried unanimously.

AFFIDAVIT OF COSTS

- Abid M. Butt, d/b/a Abid Butt Company (Manassas, Va.)

MOTION: Robert Massart moved, seconded by Marie Skic-Loy, to keep the affidavit of costs as originally presented by the Division of Enforcement. Motion carried unanimously.

ADJOURNMENT

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to adjourn the meeting at 12:06 p.m. Motion carried unanimously.